

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1199 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

B P MORI

Versus

STATE OF GUJARAT

Appearance:

MR DM THAKKAR for Petitioners
MR MUKESH A PATEL for Respondent No. 1
MR UM PANCHAL for Respondent NO.4
None present for other Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/11/1999

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. In the year 1980, the applications were invited by the Selection Board for making appointments on the posts of Gram Sevaks (Multipurpose) and Gram Sevaks (T & V). In response to that advertisement, all the petitioners applied. The selection was held and thereafter the select list was prepared on 14th May,

1984. The advertisement has been made for nine posts of Gram Sevaks (T & V) and 14 posts of Gram Sevaks (Multipurpose). Out of the select list of 104 candidates, the appointments have been given to 43 candidates and as the petitioners were not given the appointments they file this special civil application.

3. The petitioners have no right of appointment on the post merely because their names are there in the select list. The select list was not further acted upon for the reasons that it was only a waiting list and secondly, the posts of Gram Sevaks (Multipurpose) and Gram Sevaks (T & V) have been abolished since 5th May, 1988. Further reason has been given that under the Government Resolutions dated 5th April, 1983 and that of 5th September, 1989, the currency of the said select list/waiting list automatically comes to an end after one year. During the course of arguments, it has been given out by the counsel for the respondents that subsequently the qualifications have also been amended for the appointment on these posts.

4. It is no more res integra that merely by empanelment of the petitioners as a result of selection, it does not confer any right to them of appointments. The successful candidates in the selection do not acquire any indefeasible right of appointment. This right can be denied legitimately. Reference may have to the decisions of the Apex Court in the cases of Shankarandas Vs. Union of India reported in 1991 (3) SCC 47, Union of India vs. S.S. Uppal reported in JT 1996 (1) SC 258, State of Bihar vs. Moh'd. Kalauddin reported in JT 1996 (1) SC 271 and the decision of this court in the case of Commissioner of Police vs. Santosh Vasant Mali reported in 1995 (2) GLR 1640.

5. In this case, the reasons given by the respondents not to act further upon the select list are cogent and justified. Otherwise also, this list could not have been operated beyond 23 candidates. It is no more res integra that the select list can only be operated for filling up the vacancies which have been notified and otherwise also, the petitioners have no legal right of enforcement of this select list. The select list could have been only of 23 candidates and the other list beyond this number is only a waiting list and the petitioners name are beyond Sr. No.23. It is not the case of the petitioners that any of the person below them in the waiting list has been given the appointment. This waiting list otherwise can not have a life in infinity. The subsequently posts were also abolished.

Lastly, the advertisement has been made in the year 1980 and this select list has been prepared in the year 1984 and now in 1999 otherwise also, I do not find it to be a fit case where the petitioners should be granted the relief to the extent for giving direction to the respondents to act upon that select list.

6. Taking into consideration the totality of the facts of this case, I do not find any substance in this special civil application and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

zgs/-